

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

Application 17115 Permit _____ License 11785

ORDER APPROVING CHANGE IN PLACE OF USE, PURPOSE OF USE AND POINT OF REDIVERSION FOR LICENSE 11785 (APPLICATION 17115)

WHEREAS:


1. On December 11, 1996, the California Department of Corrections (California Men's Colony) filed a change petition with the State Water Resources Control Board (SWRCB), pursuant to Section 1700 of the California Water Code.
2. The change petition was filed to change the place of use, purpose of use, and point of rediversion under water right License 11785 (Application 17115), the priority of which dates back to June 7, 1956. The change would authorize the use at Morro Bay Golf Course, of effluent released into Chorro Creek from California Men's Colony's waste water treatment plant, which results from use, and treatment after use, of water appropriated under water right License 11785.
3. Water right License 11785 currently authorizes the appropriation by direct diversion and storage of Old Creek water (Whale Rock Reservoir) at the following places of use:
 - a) California Men's Colony, within Sections 9 and 16, T30S, R12E, MDB&M.
 - b) El Chorro Regional Park, within projected Section 6 and 7, T30S, R12E, MDB&M, and projected Section 12, T30S, R11E, MDB&M.
4. Water right Licensed 11785 currently authorizes the following purposes of use: Domestic, Irrigation, and industrial.
5. On August 13, 1997, Notice of Petition was distributed, and no protests were filed against the petition.
6. The SWRCB has determined that good cause for the change has been shown.
7. The SWRCB has determined that the changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The place of use under License 11785 shall be as follows:
 - a) California Men's Colony, within Sections 9 and 16, T30S, R12E, MDB&M.

- b) El Chorro Regional Park, within projected Section 6 and 7, T30S, R12E MDB&M, and projected Section 12, T30S, R11E, MDB&M.
 - c) Morro Bay Golf Course (100 acres within Section 31, T29S, R11E, MDB&M and Section 6, T30S, R11E, MDB&M.
2. License 11785 is amended to include the following point of redirection:
- a) San Luis Obispo County well M-4 and other nearby county wells located within NW¼ of SW¼ of Section 32, T29S, R11E, MDB&M.
3. The purpose of use under License 11785 shall be as follows: Domestic, Irrigation (Morro Bay Golf Course), Industrial.

Dated: MARCH 4 1998

for 
Edward C. Anton, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

Application 17115 Permit 11391 License 11785

ORDER TO CORRECT LICENSE

WHEREAS:

1. License 17115 was issued to the California Men's Colony, Department of Corrections and was filed with the County Recorder of San Luis Obispo County on April 5, 1985 pursuant to Application 17115.
2. A request was made by the Whale Rock Commission representing the licensee, the City of San Luis Obispo and the California Polytechnic State University (collectively referred to as "Commission") and the Paso Robles Beach Water Association, Morro Rock Mutual Water Company, County Service Area 10A, and the Cayucos-Morro Bay Cemetery District (collectively referred to as the "Cayucos Area Water Organization") to correct License 11785 to reference the new Agreement for Supply of Water from Whale Rock Reservoir to Cayucos Area Water Organizations dated April 17, 1996. The existing agreement reads as follows:

This license is expressly subject to the "Agreement for Supply of Water from Whale Rock Reservoir to Cayucos Area Water Organizations" dated March 20, 1958, among the City of San Luis Obispo, the California Men's Colony of the Department of Corrections of the State of California, the California State Polytechnic College, the Paso Robles Beach Water Association, the Morro Rock Mutual Water Company, County Water Works District No. 7, County Water Works District No. 8, and the Cayucos-Morro Bay Cemetery District. The said agreement is by reference made a part of limitations and conditions of this license.
3. The State Water Resources Control Board (SWRCB) has determined that the correction to License 11785 will not initiate a new right nor operate to the injury of any other lawful user of water.
4. License condition pertaining to the continuing authority of the SWRCB should be updated to conform to Section 780(a) of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The new license condition shall read as follows:

This license is expressly subject to the "Agreement for Supply of Water from Whale Rock Reservoir to Cayucos Area Water Organizations" dated April 17, 1996, among the City of San Luis Obispo, the California Men's Colony of the Department of Corrections, California Polytechnic State

University, the Paso Robles Beach Water Association, the Morro Rock Mutual Water Company, County Service Area 10A, Cayucos-Morro Bay Cemetery District, and the California State Department of Water Resources. The said agreement is by reference made a part of limitations and conditions of this license.

2. The license condition pertaining to the SWRCB's continuing authority is replaced with the following to conform with Section 780(a), Title 23 of the California Code of Regulations.

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

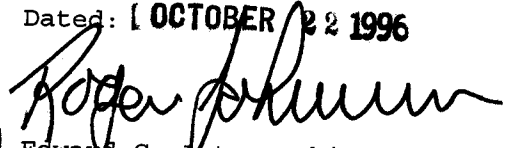
The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to:

- (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated;
- (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: [OCTOBER 22 1996

for 
Edward C. Anton, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

Application 17115 Permit 11391 License 11785

**ORDER APPROVING CHANGE IN PLACE OF USE,
PURPOSE OF USE, AND AMENDING THE LICENSE**

WHEREAS:

1. License 11785 was issued to California Men's Colony, Department of Corrections, on March 28, 1985, pursuant to Application 17115.
2. License 11785 was recorded with the County Recorder of San Luis Obispo County on April 2, 1985 in Volume 2693, Pages 759 through 762.
3. A petition for Change has been filed with the State Water Resources Control Board (SWRCB).
4. The petitioned change would not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
5. To avoid potential significant environmental impacts of this project on biological resources in the place of use, special mitigation terms should be included in this Order.
6. The license condition regarding the SWRCB's continuing authority should be updated to conform to Title 23, CCR Section 780(a).

NOW, THEREFORE, IT IS ORDERED THAT:

1. The license condition regarding the place of use be amended to read:

At California Men's Colony of the State Department of Corrections within Sections 9 and 16, T30S, R12E, MDB&M, as shown on map filed with State Water Resources Control Board; and the El Chorro Regional Park located within portions of projected Sections 5-8, T30S, R12E, MDB&M; and a portion of projected Section 12, T30S, R11E, MDB&M; as shown on a map on file with the SWRCB.

(0000004)

2. The license condition regarding the purpose of use be amended to read:

Domestic, Irrigation, and Industrial

(0000003)

3. Licensee shall implement mitigation measures BR-1 through BR-9, as discussed on pages 1-4 to 1-5, 1-27 to 1-30, 1-40 and 5.5-22 to 5.5-27 in the December, 1994 Final Environmental Impact Report on the El Chorro Golf Course (State Clearinghouse No. 93081108) prepared by the County of San Luis Obispo, a copy of which is on file with the SWRCB. (0400500)
4. The SWRCB's continuing authority condition be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to:

(1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce returnflow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

DATED February 26, 1996

A handwritten signature in dark ink, appearing to read "Edward C. Anton", is written over the typed name.

61 Edward C. Anton, Chief
Division of Water Rights



STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 17115
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PERMIT 11391

LICENSE 11785

THIS IS TO CERTIFY, That Department of Corrections
California Men's Colony
P. O. Box A
San Luis Obispo, California 93409

has made proof as of August 31, 1983 (the date of inspection)
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of
Old Creek in San Luis Obispo County

tributary to Pacific Ocean

for the purpose of Domestic use

under Permit 11391 of the Board and that the right to the use of this water has been perfected
in accordance with the laws of California, the Regulations of the Board and the permit terms; that the
priority of this right dates from June 7, 1956 and that the amount of water to which
this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated
purposes and shall not exceed two and one-tenth (2.1) cubic feet per second by direct
diversion to be diverted from January 1 to December 31 of each year and one
thousand four hundred fifty (1,450) acre-feet per annum by storage to be
collected from November 1 of each year to June 30 of the succeeding year. The
total amount of water to be taken from the source (direct diversion plus
collection to storage) shall not exceed 1,560 acre-feet per year. The total
amount of water to be placed to beneficial use (direct diversion plus
withdrawal from storage) shall not exceed 1,550 acre-feet per year.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

Whale Rock Dam - South 6,100 feet and East 1,300 feet from the NW corner of
projected Section 34, T28S, R10E, MDB&M, being within NW $\frac{1}{4}$
of SW $\frac{1}{4}$ of said Section 34.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

At California Men's Colony of the State Department of Corrections within
Section 9 and 16, T30S, R12E, MDB&M, as shown on map filed with State Water
Resources Control Board.

This license is expressly subject to the "Agreement For Supply of Water From Whale Rock Reservoir to Cayucos Area Water Organizations" dated March 20, 1958, among the City of San Luis Obispo, the California Men's Colony of the Department of Corrections of the State of California, the California State Polytechnic College, the Paso Robles Beach Water Association, the Morro Rock Mutual Water Company, County Water Works District No. 7, County Water Works District No. 8, and the Cayucos-Morro Bay Cemetery District. The said agreement is by reference made a part of the limitations and conditions of this license.

This license is expressly subject to the "Agreement Respecting Whale Rock Reservoir Between Applicants and California Department of Fish and Game," dated October 21, 1957, entered into between the City of San Luis Obispo, the California Men's Colony of the Department of Corrections, and the California State Polytechnic College of the Department of Education; and the California Department of Fish and Game.

The right under this license is of equal priority with the rights under Permits 11390 and 11392 (Applications 17114 and 17116).

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Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

The quantity of water diverted under this license is subject to modification by the State Water Resources Control Board if, after notice to the licensee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

Pursuant to California Water Code Sections 100 and 275 and the public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses, prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

This continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to minimizing waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the board determines, after notice to affected parties and opportunity for hearing, that such action takes into account the public interest and is necessary to protect public trust uses. All such actions shall conform to the standard of reasonableness contained in Article X, Section 2 of the California Constitution.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: MARCH 28 1985

STATE WATER RESOURCES CONTROL BOARD

Raymond Wash

Chief, Division of Water Rights

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